

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan B. Gottschall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	07 C 7230	DATE	2/28/2008
CASE TITLE	Blumenthal vs. Anselmo		

DOCKET ENTRY TEXT

For the reasons stated below, the court withdraws its order granting a writ of execution [26].

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

The court granted to plaintiff Michael Blumenthal (“Blumenthal”) a default judgment against defendants Anselmo and M&M Marketing on January 31, 2008 [18]. On February 7, 2008, defendant Anselmo (appearing by phone *pro se*) requested time to retain counsel and file a motion to vacate the default judgment. The court granted him until February 21, 2008 [23]. (No attorney has appeared and no motion to vacate has been filed as of this date.) On February 11, 2008, Blumenthal filed a document entitled “Plaintiff’s Motion to Extend the Temporary Restraining Order and for a Writ of Execution.” The court granted the motion for the extension on February 14, 2008 [26]. However, because of the joint title of the motion, the docket reflects that both types of relief were granted, which was not the court’s intent.

Blumenthal must follow the procedures established by 28 U.S.C § 1963 and Fed. R. Civ. P. 69 before the court can consider a motion for a writ of execution. *See United States v. Febre*, No. 91-2716, 1992 WL 288321, *3 (7th Cir. Oct. 15, 1992) (“[A] district court uses state law, applicable through Rule 69, to enforce a foreign judgment only after it has become a judgment of that court through section 1963 registration.”). The court therefore withdraws that portion of its order that purports to grant a writ of execution, which moots Blumenthal’s oral request that the court sign a “Praecipe” to have the clerk issue a writ of execution.

Courtroom Deputy
Initials:

RJ/DAM